

**DRAFT/UNAPPROVED
VIRGINIA BOARD OF PHARMACY
MINUTES OF A PANEL OF THE BOARD**

Tuesday, June 12, 2007
Fifth Floor
Conference Room 2

Department of Health Professions
6603 West Broad Street
Richmond, Virginia 23230

Orders/Consent Orders referred to in these minutes are available upon request

CALL TO ORDER: A meeting of a panel of the Board of Pharmacy ("Board") was called to order at 1:22 p.m.

PRESIDING: John O. Beckner, Chairman

MEMBERS PRESENT: Gill B. Abernathy
Willie Brown
Jennifer H. Edwards
Bobby Ison
David C. Kozera
Leo H. Ross
Michael E. Stredler
Brandon K. Yi

STAFF PRESENT: Elizabeth Scott Russell, Executive Director
Cathy M. Reiniers-Day, Deputy Executive Director
Caroline D. Juran, Deputy Executive Director
Ishneila Moore, Senior Assistant Attorney General

QUORUM: With nine members of the Board present, a quorum was established.

JEFFREY R. MARTIN
0202-204815 Mr. Schliessmann presented a signed Consent Order to the Board for consideration in lieu of proceeding to the formal hearing regarding this matter.

Mr. Martin was represented by Michael L. Goodman, Esquire.

DECISION: Mr. Ross moved, and the Panel voted 9-0 to accept the Consent Order as presented. The Consent Order made certain Finding of Fact and Conclusions of Law and reinstates Mr. Martin's license on probation with terms and conditions (Attachment 1)

RONALD J. MALSAM
License #0202-005051 A formal hearing was held in the matter of Ronald J. Malsam following the summary suspension of his

pharmacist license on February 14, 2007, and to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy in Virginia.

James Schliessmann, Assistant Attorney General, prosecuted the case with the assistance of Amanda E. Mitchell, DHP Adjudication Specialist.

Scott Arnott, DHP Pharmacy Inspector, and Billy Lambrinides, Rite Aid District Manager, testified on behalf of the Commonwealth.

Mr. Malsam appeared with Melinda L. VanLowe, Esquire.

Mr. Malsam testified on his own behalf. Also, Linda Kleiner, HPIP Case Manager, testified on behalf of Mr. Malsam.

CLOSED MEETING:

Mr. Ison moved, and the Panel voted 9-0, to convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the Code of Virginia for the purpose to reach a decision in the matter of Ronald J. Malsam. Additionally, he moved that Scotti Russell, Cathy Reiniers-Day, Caroline Juran and Ishneila Moore attend the closed meeting.

RECONVENE:

Mr. Ison moved, and the Panel voted 9-0, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

DECISION:

Mr. Kozera moved, and the Panel voted 9-0, to accept the Findings of Fact and Conclusions of Law as proposed by Mr. Schliessmann and modified by the Panel and read by Ms. Moore (Attachment 2).

Mr. Kozera moved, and the Board voted 9-0 that Mr. Malsam be continued on indefinite suspension for a period of not less than three months.

ADJOURN:

With all business concluded, the meeting adjourned at 4: 20 p.m.

Cathy M. Reiniers-Day
Deputy Executive Director

John O. Beckner, Chairman

Date

Attachment 1
Board of Pharmacy
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J.R. Martin

6. He consents to the following Order affecting his license to practice pharmacy in the Commonwealth of Virginia.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that upon receipt of the appropriate licensure renewal fee, the license of Jeffrey R. Martin to practice pharmacy in the Commonwealth of Virginia be, and hereby is, REINSTATED ON PROBATION, subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall continue INDEFINITELY. Mr. Martin may petition the Board to end his probation after he has been successfully discharged from HPPIF.

2. Mr. Martin shall comply with all terms and conditions for the period specified by HPPIF.

3. Any violation of the terms and conditions of HPPIF or any of the terms and conditions stated in this Order shall be reason for revoking the license of Mr. Martin, and an administrative proceeding shall be held to decide whether Mr. Martin's license shall be revoked. Mr. Martin shall be noticed to appear at an administrative hearing at such time as the Board is notified that he is not in compliance with the terms and conditions specified by HPPIF, or has been terminated from participation in HPPIF.

4. All reports required by this Order shall be submitted in writing to the Board office with the first report being received no later than thirty (30) days following the date that this Order is final. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December, until the period of probation ends. Mr. Martin is fully responsible for ensuring that required reports are properly submitted and received by the Board in a timely manner.

5. Mr. Martin shall submit quarterly self-reports which must include his current address and current employment, if any.

6. Mr. Martin shall maintain a course of conduct commensurate with the requirements of Chapters 33 and 34, Title 54.1 of the Code of Virginia and the Board of Pharmacy Regulations.

Attachment 2
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Ronlad J. Malsam
License # 0202-005051

Findings of Fact:

Conclusions of Law:

Sanction: